

**NOT FOR PUBLICATION**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

MARTIN ABDIEL VILLARREAL-  
RAMIREZ,

Petitioner,

v.

THOMPSON, WARDEN FORT DIX,

Respondent.

No. 25cv2726 (EP)

**MEMORANDUM ORDER**

**PADIN, District Judge.**

*Pro se* Petitioner Martin Abdiel Villarreal-Ramirez (“Petitioner”), a prisoner confined in the Federal Correctional Institution in Fort Dix, New Jersey, filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241, challenging, among other things, the Federal Bureau of Prison’s calculation of his sentence. D.E. 1 (“Petition”). Shortly thereafter, Petitioner filed a Motion to Dismiss Without Prejudice, which the Court construes as a voluntary notice of dismissal. D.E. 2 (“Motion to Dismiss”). For the reasons below, the Petition is **DISMISSED *without prejudice***.

Federal Rule of Civil Procedure 41(a)(1)(A)(i) permits a plaintiff or petitioner<sup>1</sup> to voluntarily dismiss an action without a court order by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Respondent has not served an answer or a motion for summary judgment. Therefore, the Court will direct the Clerk to **DISMISS** the Petition *without prejudice*.

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<sup>1</sup> Federal Rule of Civil Procedure 41(a)(1)(A)(i) is applied here pursuant to Rule 12 of the Rules Governing Section 2255 Cases, which in turn is applicable to habeas petitions under 28 U.S.C. § 2241 pursuant to Rule 1(b) of the Rules Governing Section 2255 Cases.

**IT IS**, on this 12<sup>th</sup> day of May 2025,

**ORDERED** that the Clerk shall re-docket Petitioner's Motion to Dismiss, D.E. 2, as "Notice of Dismissal" and **ADMINISTRATIVELY TERMINATE** the Motion to Dismiss; and it is further

**ORDERED** that Petitioner has voluntarily **DISMISSED** his Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241, D.E. 1, *without prejudice*, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i). Therefore, the Clerk of Court shall **CLOSE** this matter; and it is finally

**ORDERED** that the Clerk of Court shall send a copy of this Order to Petitioner by regular mail.

A handwritten signature in black ink, appearing to read "Evelyn Padin", written over a horizontal line.

Evelyn Padin, U.S.D.J.